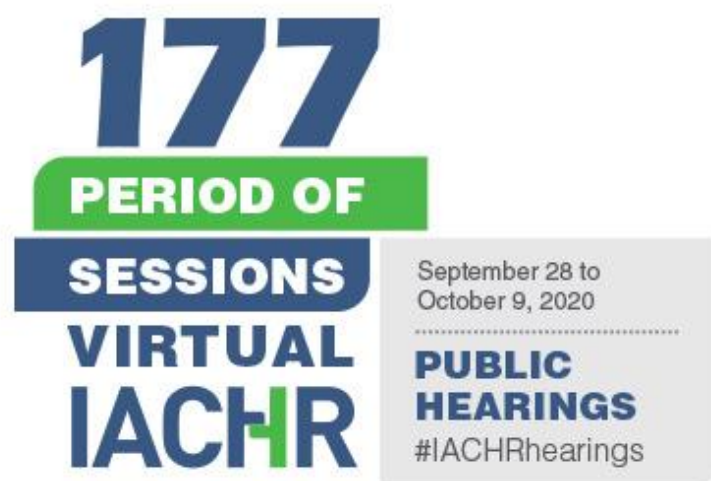


Annex to Press Release 253/20



177
PERIOD OF
SESSIONS
VIRTUAL
IACHR

September 28 to
October 9, 2020

PUBLIC
HEARINGS
#IACHRhearings

The graphic features the number '177' in a large, bold, blue font at the top. Below it, the words 'PERIOD OF', 'SESSIONS', 'VIRTUAL', and 'IACHR' are stacked vertically in a bold, blue font. 'PERIOD OF' is contained within a green rectangular bar, and 'SESSIONS' is within a dark blue rectangular bar. To the right of this main text block, there is a light gray rectangular box containing the dates 'September 28 to October 9, 2020', followed by a dotted line, the words 'PUBLIC HEARINGS' in bold blue font, and the hashtag '#IACHRhearings'.

Annex to Press Release 253/20 on the 177th Period of Sessions

1. Gender-based violence and human rights for women in Cuba

The organizations who requested the hearing said that gender-based violence is systematic in Cuba. These organizations highlighted pervasive domestic, institutional, and obstetric violence. They warned that this type of violence has increased during the COVID-19 pandemic. Independent journalists and civil society organizations have recorded 19 femicides since the beginning of the pandemic. The IACHR noted that the State of Cuba's democratic weakness contributes to a lack of legislative and administrative mechanisms to respond to violence. The Commission said that the report *Situation of Human Rights in Cuba*, published in 2020, provides evidence of these problems and makes specific recommendations to the Cuban State, in line with the applicable inter-American standards.

2. Human rights situation of lesbian and transgender women in the Americas

The organizations who requested the hearing highlighted the challenges concerning the human rights of lesbian, bisexual, and transgender (LBT) women in the region (including violations of their rights in the context of the COVID-19 pandemic, which featured increases in domestic violence, sexual violence, and the number of femicides). These organizations say that violations of the rights of LBT women are based on heteropatriarchal, binary conceptions of gender that are fueled by stereotypes and prejudice and lead to the justification and naturalization of violence in the media and other institutions. These organizations stressed that measures adopted to contain the pandemic which stipulated specific days when men and women could be on the streets led to many instances of discrimination and police violence against transgender and gender-diverse individuals. Trans women were asked to produce their identity documents to verify their gender identity, without taking into consideration that, in many cases, identity documents do not appropriately reflect their identity. The IACHR noted that equality and non-discrimination are *ius cogens* and that sexual orientation and/or gender identity or expression are categories that should be shielded from discrimination. The Commission also highlighted the differentiated impact of violence and discrimination on Afro-descendant and indigenous LBT women, as well as the negative impact of stereotypes in terms of access to justice. Finally, the IACHR called for cultural change and for education without discrimination.

3. Case 13,465—Dina Carrión, Nicaragua

This case is linked to the death of Dina Carrión and the subsequent investigation, as well as their alleged impact on her family's rights. The hearing heard the testimony of Aida Mercedes Carrión and Aida González, Dina Carrión's sister and mother. Aida Mercedes Carrión described the circumstances in which Dina Carrión allegedly died, how her body was found, and what the authorities have done since then. She said that her family had provided evidence to contest the hypothesis that said Dina Carrión had committed suicide. Aida González told the IACHR of the events that preceded her daughter's death, and she described the last time she saw her own grandson, Dina Carrión's son. Aida González said that the search for justice had been long, as well as physically, emotionally, and financially tough on her family. The petitioning party made its allegations concerning case admissibility and merits. It mentioned other cases of violence perpetrated against women in Nicaragua and noted that the administration of justice in the country has many flaws. The State of Nicaragua did not attend the hearing. The Commission is sorry that the State failed to take part, although it had been summoned to the hearing in a timely manner. The State's absence from the hearing makes the IACHR's work more difficult. Hearings are an essential tool to obtain information, so the IACHR may fulfil the mandate it has been granted by Member States of the OAS (to protect, promote, and defend human rights in the region). In this case, hearings are highly relevant to establish the alleged international responsibility of the State of Nicaragua in terms of these allegations. The Inter-American Commission will declare whether this case is admissible and may eventually address its merits in a report.

4. Repression, persecution, and detention of student leaders in Nicaragua

The organizations who requested the hearing informed the Commission of violations of the human rights of individuals in Nicaragua's universities, in retaliation for their involvement in the social protests that started on April 18, 2018. The allegations made included attacks on university autonomy, expulsions without due process, arbitrary arrests, persecution and criminalization, and murders perpetrated in the context of demonstrations. These events have allegedly had a serious impact on these individuals' life plans. Amid ongoing repression, scores of students have allegedly been forcibly displaced to other countries. No representatives of the State of Nicaragua attended the hearing. The IACHR said it was sorry about the State's absence and expressed its solidarity with Nicaraguan students, who have been seriously affected by State repression since 2018.

5. Impunity in murders and other attacks against human rights defenders in Guatemala

The organizations who requested the hearing told the IACHR of the various structural challenges within the Guatemalan justice system, in terms of investigating and punishing attacks against human rights defenders and providing reparations for such attacks. These organizations noted that the defense of

human rights was only considered a potential motive in six out of 36 cases involving murders of defenders in 2018–2019, and that the protocol to investigate crimes committed against human rights defenders was only applied in one of these cases. The State of Guatemala acknowledged how important the work of human rights defenders is to strengthen democracy in the country. The State further expressed its commitment to ensuring that the Presidential Committee for Peace and Human Rights (COPADEH, by its Spanish acronym) holds a specific mechanism to monitor precautionary and other temporary measures, as well as national protection mechanisms for human rights defenders. The State said it could not respond to the figures and statistics provided by civil society organizations concerning investigations of crimes against defenders because these figures did not refer to specific cases. The Commission highlighted the need to specify what State authorities have competent jurisdiction to assist and protect human rights defenders, as well as any challenges for implementing the protocol to investigate crimes against these individuals.

6. Situation of persons who are deprived of liberty in Honduras during the COVID-19 pandemic

The organizations who requested the hearing said that the COVID-19 pandemic exposed serious violations of the rights of individuals who were deprived of liberty in Honduras. These organizations noted that deplorable conditions of detention entailed heightened risks for these individuals' lives and integrity. These organizations also expressed their concern about the increasingly serious militarization of the country's prison system, after a state of emergency was declared in December 2019 and extended until the end of 2020. The State admitted that the COVID-19 pandemic posed additional challenges and reported on prevention and treatment measures adopted in this context. The State further highlighted efforts made to reduce prison populations, mainly by implementing alternatives to pretrial detention. The Commission warned that individuals who are deprived of liberty in Honduran prisons face heightened risks, although the IACHR also acknowledged measures taken by the State to reduce prison populations, mainly by reforming the Penal Code this year and by implementing early-release mechanisms.

7. The right to same-sex marriage in Panama

The organization who requested the hearing addressed persistent challenges for the human rights of LGBTI persons in Panama. First, its representatives mentioned a lack of recognition for same-sex marriage, given the Inter-American Court of Human Rights' Advisory Opinion 24/17. They also highlighted the lack of legislation against discrimination, as well as a lack of comprehensive safeguards for the right to gender identity of transgender and gender-diverse persons. During the pandemic, both transgender and gender-diverse persons have suffered discrimination and violence in the context of measures to restrict circulation based on gender, with a binary, male-female perspective. The State noted that human rights are indivisible and universal and highlighted its own efforts to prevent

discrimination against LGBTI persons. Finally, the IACHR stressed the fundamental nature of equality and non-discrimination, called on the State of Panama to protect the rights of LGBTI persons in accordance with inter-American standards, and offered technical cooperation on the subject. The State of Panama said it appreciated the offer.

8. Threats, protection, and safety for migrant persons in Mexico

The organizations who requested the hearing reported on the negative impact of technology for intelligence and migration management—particularly migration alerts—on the human rights of migrants, as well as the use of arbitrary arrests, pushbacks, and deportations in violation of the applicable due process and of Mexico’s international obligations concerning individuals who request international protection. The State noted that its migration policy seeks to consolidate safe, regular, and orderly migration practices and that migrant alerts do not lead to the rejection of requests for asylum and subsidiary protection. The State said that migration procedures rest on legal grounds, although the organizations who requested the hearing questioned whether these normative underpinnings are enough to justify the consequences of migration alerts. The IACHR asked the State whether there were legal remedies available to question migration alerts and expressed concern about the impact of this migration policy on human trafficking and on the human rights of migrant women.

9. Allegations of a lack of protection for groups of victims of armed conflict in Colombia: Indigenous, Afro-descendant, and peasant communities and social leaders

The organizations who requested the hearing detailed the challenges of implementing the ethnic chapter of the Colombian peace agreements. They noted the lack of collective land titles and the increase in the number of acts of violence and the number of illegal crops on ethnic land. They highlighted the difficulties inherent in processes to provide collective reparations to indigenous peoples and Afro-descendant communities. And they expressed their concern for low rates of compliance with the agreements issued from the strike known as Paro Cívico in Chocó. The State stressed its commitment to victims and noted that the Peace with Legality policy—which seeks to overcome the causes of armed conflict by promoting development in Colombia—has been in force for two years. The State also mentioned initiatives linked to access to collective property and to the adoption of an ethnic-territorial approach in various institutional programs. The IACHR stressed its call on the Colombian State to step up its efforts to ensure a comprehensive implementation of the peace agreements, especially their ethnic chapter, since this is showing particularly significant delays. The IACHR noted that it is essential to insist on plans to ensure comprehensive rural reform, in order to enforce the right to collective property of ancestral land; to keep up collective reparation policies for ethnic communities; and to improve coordination between these territories and different institutions handling government plans.

10. Illegal surveillance practices in Colombia

The individuals who requested the hearing said that instances of illegal surveillance of communications and violations of the privacy of government critics, journalists, judicial officials, trade-union leaders, and rights defenders have consolidated as a systematic practice in Colombia. These individuals also mentioned that discretionary use has been made of blanket concepts like “national security” to set up surveillance mechanisms against these groups. These individuals also noted that profiling has been expanded through the use of open and private sources, which includes gathering personal and other sensitive data. This profiling entails risks for the affected individuals and seeks to control public debate on social media, according to the individuals who requested the hearing. The State noted that all necessary measures had been taken to strengthen internal control of surveillance activities, that several judicial investigations were ongoing in connection with these cases, and that the Colombian government has provided and will continue to provide support to ensure timely investigations. The IACHR noted that it had been monitoring the issue for several years. The Commission alerted the State about victims’ lack of access to information on judicial investigations and about the need to harmonize the legal framework regarding communications surveillance, to ensure greater prevention and protection for citizens. The IACHR asked the State how victims had taken part in judicial proceedings concerning illegal wiretapping known in early 2020, and when these investigations were expected to be completed.

11. Comprehensive protection for children and adolescents in Chile

The organizations who requested the hearing informed the IACHR that the State of Chile still lacks a comprehensive protection law and a system to safeguard the rights of children and adolescents. They also denounced the serious situation of children and adolescents in care institutions; the lack of services to protect their health (particularly their mental health); and the need to strengthen various aspects of the justice system and of administrative protection services to ensure effective protection of the rights of children and adolescents, their access to justice, and adequate legal representation. The State expressed its commitment to ensuring institutional transformations that are needed to protect children and adolescents, particularly by monitoring the safeguards bill and other initiatives. The Commission welcomed this commitment and urged the State to keep up its efforts to overcome the current legislative deadlock, and to safeguard the rights of children and adolescents—especially in care institutions—and preserve their best interests.

12. Repression and militarization of public security in El Salvador

The organizations who requested the hearing denounced a lack of transparency and accountability in policies to fight street violence in El Salvador, and they noted that the public only has access to three out of seven stages in the Territorial Control Plan. Although the number of homicides in the country has gone down, these organizations denounced the militarization and the repressive approach implicit in

policies to fight street violence, which have led to mass arrests and which have got worse with the healthcare crisis caused by the COVID-19 pandemic. These organizations also denounced the implementation within penitentiaries of harsh measures that might amount to human rights violations. The State highlighted its investment in the staff and infrastructure of the National Civilian Police and noted that a human rights policy had been adopted for this institution. The State also stressed the significant decrease in the number of violent deaths in the country, as a consequence of the implementation of the Territorial Control Plan. The Commission stressed aspects linked to transparency and social participation in this public security policy, as well as the inter-American standards applicable when the Armed Forces are involved in law enforcement tasks. The IACHR further noted efforts to add value to police careers and the importance of police training to ensure care and to protect the health of individuals in the context of the pandemic.

13. Freedom of expression in Brazil

The organizations who requested the hearing said that growing pushbacks are evident concerning freedom of expression in the context of the COVID-19 pandemic in Brazil. These organizations said that the government's position had helped to increase violence against the media and attacks on critical journalists and media outlets, as well as to censor information of public interest about the pandemic. These organizations stressed that this has disproportionately affected certain historically vulnerable and marginalized groups, including indigenous peoples, women, and residents of *favelas* and other disadvantaged neighborhoods. These organizations further warned of harassment against women journalists, in many cases through smear campaigns allegedly fueled by the government. The State stressed its commitment to fundamental liberties and the rule of law and denied that the government might have supported the persecution of dissidents. The State said it had done everything within its power to ensure full enjoyment of freedom of expression by Brazilian citizens. The IACHR noted the problems with self-censorship and stressed the importance of preserving an atmosphere that promotes public debate. Finally, the Commission paid special attention to the allegations made by the organizations who requested this public hearing concerning gender-based harassment against women journalists. The IACHR committed to monitoring these allegations.

14. The pandemic and indigenous peoples in the Brazilian Amazon

The organizations who requested this hearing reported on the impact of the COVID-19 pandemic on Brazil's indigenous peoples. They noted that the pandemic has increased occupations of their land, as well as deforestation and death threats, in the absence of concrete plans to demarcate and protect their land and territories. The State detailed policies adopted in the context of the pandemic, including contingency plans, sanitary barriers, the suspension of permits to enter indigenous territories, and the distribution of food in those territories. The Commission expressed its concern about the high number of infections and deplored the deaths of indigenous persons in the context of the pandemic. The IACHR

further noted the importance of demarcating and protecting ancestral territories and of guaranteeing intercultural healthcare.

15. Violations of the human and collective rights of indigenous peoples in Ecuador

The organizations who requested the hearing informed the IACHR of the impact of the COVID-19 pandemic on indigenous peoples in Ecuador. These organizations specifically denounced a lack of medical assistance, limited access to biosecurity elements, and delays in the State's response. These organizations alleged that healthcare protocols and policies to prevent and mitigate the effects of the pandemic failed to incorporate consultation procedures and free, prior, and informed consent. These organizations also noted the advance of extractive industries in ancestral territories and the lack of a State response to the oil spill that took place in April and the floods that affected crops, access to water, housing, and schools, among other assets. The State of Ecuador reported on measures adopted to address the pandemic, including protocols with an intercultural perspective; mechanisms to monitor the pandemic, respond to it, and contain its spread; healthcare services; and the distribution of information about prevention strategies in indigenous languages. The State also noted the development of social policies specifically targeting indigenous peoples and Afro-Ecuadorian communities. The Commission highlighted the importance of disaggregated statistics about the impact of the pandemic, to shed light on its specific effects on vulnerable groups. The IACHR further noted the need to take action to address the impact of extractive industries on indigenous peoples, including the consequences of the oil spill that happened in April. Finally, the Commission noted the need to ensure the consultation and participation of indigenous peoples concerning suggestions to regulate consultation within the limitations imposed by the current pandemic.

16. Human rights of indigenous peoples in the Peruvian Amazon

The organizations who requested the hearing alleged that indigenous leaders who stand up for the human rights of their peoples and communities in the Peruvian Amazon suffer threats, attacks, and even murder. These organizations further noted that the increase in illegal economic activities and activities linked to the extractive and agribusiness sectors in the area affect the right of indigenous peoples to their ancestral territories, and also their right to self-determination. The State highlighted the measures it had taken in this context, including a protocol to assist human rights defenders and the national action plan for companies and human rights. The State's representatives also noted that the participation of organizations of indigenous peoples is crucial to develop and implement public policies, and they highlighted the importance of formal complaints in order to change and improve State action. The IACHR stressed the importance of taking culturally appropriate prevention and protection measures for indigenous defenders, including consultation and coordination with the relevant individuals. The Commission noted the need to investigate with due diligence all the allegations made during the hearing, to punish wrongdoers, and to provide comprehensive reparations for victims.

17. Freedom of expression and the exercise of journalism during protests in the United States

According to the organizations who requested the hearing, there is a national pattern of unjustified, unnecessary, and unprecedented aggression against the media in the context of protests in the United States. The Reporters Committee for Freedom of the Press said it had recorded more than 500 instances of arrests and police abuse against journalists covering the protests that followed George Floyd's murder in late May. The Committee said that a significant majority of these cases of arrests and abuse committed by law enforcement officers involved situations where reporters had clearly identified themselves as members of the press. The State acknowledged the fundamental role that journalists play to strengthen the right to freedom of expression in the United States and stressed its own commitment to investigating these cases and punishing anyone responsible for them. The IACHR expressed its concern about these acts of violence against journalists and asked the State to change this pattern of aggression. The IACHR also inquired into what the State is doing to prevent similar abuse from happening again in future protests and offered to work with the State to that end.

18. Structural racism and police violence in the United States

The organizations who requested the hearing presented the testimonies of mothers who had lost their children to police brutality in the United States. In their statements, each of these mothers stressed the pain of her loss and its psychological impact on the families who have been victims of violence. These organizations also noted that police violence and structural racism are historical problems in the United States and that they require urgent action from State authorities. The organizations who requested the hearing further presented a bill known as the Breathe Act. This initiative seeks to address violence against Afro-descendant persons based on four pillars, which include allocating resources to social policy and taking action to identify perpetrators and provide reparations for victims. The State acknowledged that this is an urgent issue and noted the legal framework that enables the Department of Justice to prosecute law enforcement officers and hold them accountable for events involving violence or discrimination. The State argued that withdrawing resources from police forces would be counterproductive for communities who need protection. The Commission stressed that violence and discrimination against Afro-descendant persons in the United States must be thoroughly addressed and that the State has an obligation to protect the right to protest. The IACHR also highlighted the need for preventive measures and reparations, for programmatic reform, for training for law enforcement forces and measures to address impunity, and for the development of independent mechanisms to investigate police crimes.

19. Safeguards for political rights in the ongoing electoral process in Venezuela

The organizations who requested the hearing submitted information about the parliamentary election that is scheduled for December 6, 2020 in Venezuela. They mentioned a series of events that allegedly increase mistrust in this election and violate the civil and political rights of Venezuelan citizens. Overall, these organizations said that arrests were common in protests about public utility cutoffs, lack of information about the upcoming legislative elections, and other issues of public interest, like the COVID-19 pandemic and the use of State programs to support certain political campaigns. Further, these organizations denounced the appointment by the Supreme Court of Justice (TSJ, by its Spanish acronym) of high officials at the National Electoral Council (CNE, by its Spanish acronym), noting that the constitution says they should have been appointed by the National Assembly. These organizations also noted that the CNE issued a resolution that changed the rules for the election of representatives from indigenous electoral districts. According to civil society, this new disposition deprives indigenous persons of their right to universal, direct suffrage, since their representatives are now to be chosen through the votes of their appointed spokespersons. Further complaints include recent decisions made by the TSJ to appoint members of the leadership of several political parties. Venezuela's Permanent Representative to the OAS, appointed by the National Assembly, expressed his concern about the lack of safeguards to enable millions of Venezuelans who have left the country to register their identity documents and to exercise their right to vote from abroad. The IACHR expressed its concern about the role played by the TSJ in the institutional crisis that is ongoing in Venezuela. The Commission stressed the major importance of civil society and the IACHR's unrelenting commitment to supporting the Venezuelan people.

20. Corruption in Venezuela's public healthcare system in the context of the COVID-19 pandemic

The organizations who requested the hearing provided a general introduction about how corruption is directly affecting the ability of Venezuela's healthcare system to respond to the COVID-19 pandemic and to protect the right to health of the Venezuelan people. These organizations noted that healthcare service provision in the country includes hidden budgets and other dynamics that one would associate with kleptocratic systems. According to the organizations who requested the hearing, these circumstances have contributed to a situation where hospitals and other healthcare facilities in Venezuela lack personal protection equipment, diagnostic tests, and medicine, which has particularly weakened the capacity of specialist care units to treat chronic diseases. These organizations demanded transparency and accountability mechanisms concerning the budget and the purchase of equipment and supplies, particularly in the context of the COVID-19 pandemic. The organizations who requested the hearing said that healthcare and other care workers who complain of serious shortcomings in healthcare services are being subjected to harassment. Venezuela's Permanent Representative to the OAS, appointed by the National Assembly, said that healthcare services in the country have collapsed. He noted that the legislature has conducted campaigns with PAHO and the Red Cross to secure personal

protection equipment. The IACHR expressed its concern about the situation in Venezuela’s healthcare system, particularly given a significant number of deaths that might be preventable. The IACHR expressed further concern about the lack of epidemiological data in the context of the COVID-19 pandemic.

21. Judicial independence and access to information during the COVID-19 pandemic in Bolivia

The organizations who requested the hearing said that, while the right to access public information is enshrined in the constitution and in conventional sources, Bolivia does not have legislation in place to regulate procedures on this issue. These organizations said that this has enabled State institutions to deny requests for access to information—even during the ongoing COVID-19 pandemic—arguing that there are no adequate procedures in place. The organizations who requested the hearing also addressed the main challenges concerning a lack of judicial independence, including deficiencies in the institutions that make up the judiciary (such as the widespread practice of temporary appointments for acting judges). Representatives of the State acknowledged the need to implement reforms that favor the independence of the judiciary, and they expressed their willingness to work on a legal framework that specifically regulates access to public information. The Commission noted that having an independent justice system is an essential condition for democracy and the rule of law, and it expressed concern about temporary appointments of judges and public prosecutors. The IACHR also stressed the need for disaggregated statistics that enable access to information on the situation of historically vulnerable social groups and for public policies to address the relevant challenges.

22. General human rights situation in Bolivia

During this hearing that the Commission convened on its own initiative (*ex officio*), civil society organizations presented information about the situation of human rights during and after the protests and acts of violence that happened during 2019 in Bolivia, highlighting what they see as the causes of those events. These organizations stressed that processes to enable reconciliation in Bolivia must be grounded in truth and in recognition of the institutional and democratic challenges that remain pending in the country. The State spoke about the violence that took place during the election process, with reference to a few landmark cases, and provided information about ongoing investigations. The State stressed its willingness to support an independent investigation into the violence that emerged in the last quarter of 2019. The IACHR noted that it has been closely monitoring the situation of human rights in Bolivia. It acknowledged the State’s willingness to host an on-site visit by the Commission and to set up an Interdisciplinary Group of Independent Experts to assist investigations into the violence and human rights violations committed in Bolivia during 2019.

23. Sexual violence, forced pregnancies, and access to healthcare services in the context of the COVID-19 pandemic

The organizations who requested the hearing said that sexual violence and systematic discrimination against women and girls in the Americas had increased following the adoption of measures to contain the COVID-19 pandemic. These organizations also noted that victims of sexual violence continued to face barriers to access healthcare services, psychological support, and justice during the pandemic. The IACHR expressed its concern about the lack of legal sanctions for perpetrators of sexual violence, and about the need to take measures to provide children and adolescents with comprehensive protection and education about sexuality, as a way to protect them from violence. The Commission further noted the need to integrate an intersectional perspective that includes older women, transgender women, lesbians, and women with disabilities, all of whom experience differentiated impacts of sexual violence. The IACHR also stressed the importance of adopting both a gender perspective and a childhood perspective in judicial investigations of sexual violence, as well as of having access to disaggregated data concerning victims of sexual violence in the context of the COVID-19 pandemic.

24. Indigenous women and girls missing in Canada – CANCELLED HEARING

25. The right to consultation and free, prior, and informed consent of indigenous peoples

During this regional hearing, representatives of indigenous peoples and Afro-descendant communities in Brazil, Colombia, Mexico, and Peru presented the challenges of implementing the rights to consultation and self-determination of indigenous, tribal, and traditional peoples. Among the main problems, presenters cited States' failure to take effective action to ensure recognition and protection for these peoples' ancestral territories. Speakers expressed particular concern about how prior consultation had been implemented, noting that, in many cases, it had been neither prior nor consensual. Presenters also complained that some States had drafted bills and consultation rules that restricted the scope of the applicable international standards. They also noted that complaints for threats and abuse were often filed against indigenous and tribal peoples who defended their territory and their right to self-determination. During the hearing, Alberto Brunori, Regional Representative for Central America of the Office of the United Nations High Commissioner for Human Rights, stressed that prior consultation is an international obligation for States. The IACHR noted that prior consultation is a general principle of international law and that it is not an end in itself, but rather a means to protect other rights, including the right to self-determination of indigenous peoples. The Commission stressed that it is important not to criminalize indigenous and tribal peoples for invoking their rights to consultation and self-determination. The IACHR noted that States must recognize autonomous consultation protocols developed by these peoples.

26. Challenges and hurdles to access the legal system in the COVID-19 context

The organizations who requested this regional hearing highlighted that the scarce participation of civil society, the lack of data, and limited access to free legal counsel in justice systems particularly affect vulnerable individuals. These organizations also noted the need to adopt compensation mechanisms to ensure access, given the digital divide, and to take protection measures so users and justice officials can navigate the system in the context of the COVID-19 pandemic. They also noted the essential nature of justice systems during a pandemic, and they asked the IACHR to summon States to a monitoring mechanism that assesses the situation, issues recommendations, and takes action to enable justice system operations. The IACHR warned of the risks and problems faced by justice systems in the context of a pandemic. The Commission stressed how important it is to develop programs to strengthen institutions, ensure protection for judicial officials, and guarantee access to justice.

27. Human rights situation of migrant persons, refugees, and unaccompanied children and adolescents in the Americas

The individuals who requested the hearing said that the pandemic should not be used as an excuse to reduce safeguards for the protection of mobile persons and noted that closed borders disproportionately affect asylum seekers, particularly children and adolescents. The individuals who requested the hearing noted that the United States' Migrant Protection Protocols (MPPs) have left 66,000 people at risk of becoming victims of criminal gangs, as they wait for their asylum requests to be processed. The individuals who requested the hearing also said that MPPs do not comply with the principles of *non-refoulement* and due process. According to these individuals, conditions of detention in camps and other facilities feature a lack of fresh food, adequate healthcare structures, and personal hygiene supplies. The individuals who requested the hearing stressed their call for an IACHR visit to Mexico's northern border. The IACHR noted that the context of migrants from the Northern Triangle involved complex human rights violations. The Commission said that it is working on a thematic report on the issue that it hoped to publish in 2021. Finally, the IACHR stressed its intention to visit Mexico's borders.

28. Human rights situation of persons with disabilities in the Americas in the context of the COVID-19 pandemic

Civil society organizations presented on the risks faced by persons with disabilities in the context of the COVID-19 pandemic. These organizations expressed particular concern about people with disabilities who are in State-run care institutions, including psychiatric hospitals. The organizations who requested the hearing warned that segregating persons with disabilities and forcibly institutionalizing them is a consequence of social stereotypes and inadequate practices. These organizations further noted that the forced institutionalization of persons with disabilities violates their autonomy, increases the risk that

they will come into contact with the COVID-19 virus, and exposes these individuals to heightened risks of suffering torture and other cruel, inhuman, or degrading treatment, including forced medication and sterilization. These organizations therefore insisted on the urgent need to develop deinstitutionalization policies with a focus on human rights, so individuals with disabilities can live autonomously within their communities. The IACHR expressed concern about girls and women with psychosocial disabilities, who are more exposed to sexual and reproductive violence. The Commission acknowledged the challenges faced by persons with disabilities in countries where their legal status can still be restricted or even removed. Finally, the IACHR stressed its commitment to ending stigma and discrimination against persons with disabilities.